



BURTIS S. BROWN, CHAIRMAN  
THOMAS M. REYNOLDS  
SHERMAN J. L. BROWN

## BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
TELEPHONE  
WE. 5-1664

Petition of the Wellesley Human Relations Service

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:35 p.m. on June 18, 1953 upon the application of the Wellesley Human Relations Service for permission to use the premises at 148 Washington Street for the purpose of conducting a Human Relations Center as provided under Section 7-C of the Zoning By-law.

Statement of Facts

On May 22, 1953 the petitioner filed an application with the Board of Appeal seeking permission to use the premises at 148 Washington Street for the above-mentioned use, and thereafter due notice of the hearing was given by mailing and publication.

At the hearing, Dr. William B. Rice, President of the Wellesley Human Relations Service, appeared and stated that the Service presently is located at 160 Washington Street and has been operating there for the past five years under a year-to-year permit granted by the Board of Appeal. Due to a reduction in the Service's budget, it is now necessary to move its headquarters. Dr. Rice stated that Albert V. Danielsen has entered into an agreement with the owner to purchase the property in question and donate it to the Human Relations Service, provided the requested permit is granted.

Dr. Rice outlined the work of the Human Relations Service and the service being rendered to the Town of Wellesley. He felt there would be no additional traffic congestion created as the cars would be parked on the adjacent vacant lot of land.

Albert V. Danielsen, 10 Saunders Terrace, stated that, in his opinion, the proposed use will be an improvement to the neighborhood.

Hope A. Newton, 1 Bird Hill Avenue, appeared and read a letter of objection from Robert G., Jr. and Florence R. Wilson urging the Board to deny the petition. The letter was submitted and is on file. Mrs. Newton also stated her objections to the granting of the permit which she felt would be detrimental to her property.

The following nearby property owners also appeared and spoke in opposition to the granting of the permit: Frank Brady, 8 Heckle Street, F. Keats Boyd, 5 Croton Street, Norbert Benotti, 152 Washington Street, Julia A. Burke, 153 Washington Street, William H. and Mary E. Ward, 7 Heckle Street and Thomas C. Newton, 1 Bird Hill Avenue. All stated that they were not opposed to the Service, but felt such use of the property would lower the values of surrounding properties.

A letter of objection was received from Ruth S. and William A. McLain, 6 Pine Street.

Felix Juliani, representing the Planning Board, stated that the

Board recognizes the work the Service is doing in the Town and recommended favorable action.

Franklin D. Parker, member of the Human Relations Committee, stated that the operation of the Service will not induce any more traffic into the area than a busy doctor's office would and urged the granting of the permit.

Abram T. Collier, member of the Human Relations Committee, stated that the availabilities for the Service in Wellesley are very limited, and that during the past five years there has been no evidence that the property values within the neighborhood have depreciated as a result of the Service being within the area. In his opinion, Mr. Collier stated, the property values will not change in the future if the requested permit is granted.

#### Decision

The Board has taken into consideration the fact that the house involved is only approximately 500 feet from the present location of the Human Relations Service where it has been operating during the past five years on a special year-to-year permit granted by the Board of Appeal. The Board, however, feels that the circumstances differ considerably in this case.

The permit for the present location was issued on a temporary hardship basis which does not exist in this instance. The house involved in the present request is on the corner of a through street to the Worcester Turnpike and in the opinion of the Board, added traffic congestion will result from such use. The Service presently is located on the corner of a dead-end street.

The petitioner has suggested building a parking area on the adjoining vacant lot to accommodate cars but the Board feels that this would be detrimental to the nearby dwellings.

The property is situated in a single-family district and several new homes with values considerably above the average have been built recently in the neighborhood.

The house itself, contains only six rooms and in the opinion of the Board the Service will probably require additional space within a short time. Any such enlargement of the activities of the Service would, in the opinion of the Board, be detrimental to the neighborhood.

For these reasons, the Board feels that the granting of a temporary permit in this case would not solve the petitioner's problems and that there is no substantial hardship involved to the petitioner.

The Board of Appeal unanimously finds, therefore, that sufficient reasons do not exist in this case for granting the requested exception and that such an exception would be detrimental to the value of surrounding property and contrary to the intent and purpose of the Zoning By-law.

Accordingly, the requested permission is denied and the petition dismissed.

*B. S. Brown*  
Burtis S. Brown

*T. M. Reynolds*  
Thomas M. Reynolds

*Sherman J. L. Brown*  
Sherman J. L. Brown





PROBATE COURT FOR SUFFOLK COUNTY  
BOSTON, MASSACHUSETTS

JUDGES  
FREDERICK J. DILLON  
JOHN V. MAHONEY  
ROBERT GARDINER WILSON, JR.

June 15, 1953

Board of Appeal  
TOWN HALL  
Wellesley, Mass.

Gentlemen:

As record owner of property at 141 Washington Street, corner of Pine Street, Wellesley Hills, Mrs. Florence R. Wilson is in receipt of your notice dated June 11, 1953, with reference to hearing scheduled for 8:35 P.M. on June 18 concerning application of Wellesley Human Relations Service for permit to use dwelling at 148 Washington Street, reported to be now owned by the so-called Danielson Fund, for the purpose of conducting a so-called Human Relations Center "as provided under Section 7-C of the Zoning By-law."

Due to previous commitments it will not be possible for us to appear personally at the scheduled hearing, but I write this letter in behalf of Florence R. Wilson, - which is authorized and signed by her as owner, - requesting that protest be recorded, and that this letter be read into the record.

From 12 years' service as a member of the City Government of Boston, and as a member of the bar since 1917, I have been under the impression that a hearing of this nature is primarily if not exclusively for the benefit of an owner of property, who, due to special circumstances, may equitably be entitled to a variance from a zoning law. My understanding is that it would be most unusual to grant such equitable relief to a new owner who has just purchased a given property with full knowledge of existing zoning restrictions, and with full notice of opposition by local residents. Equitable relief was never intended to cover such a case.

I understand that we have been incorrectly quoted with reference to the proposed variance of local zoning restrictions. Prior to the actual purchase of the property at 148 Washington Street, at a reported price far above its true market value, the reported new owner and representatives of the present petitioners were told by us that we opposed any



PROBATE COURT FOR SUFFOLK COUNTY

BOSTON, MASSACHUSETTS

JUDGES

FREDERICK J. DILLON

JOHN V. MAHONEY

ROBERT GARDINER WILSON, JR.

change in or weakening of the existing zoning restrictions. I stated that some years ago I was interested and lived in property on Kenwood Street, then one of the best residential streets in the area. The first break was on one corner of Kenwood Street, at Washington Street, for the erection of a high class brick apartment house. Then a store on Washington Street, at the opposite corner of Kenwood Street, needed "just a little extension" down Kenwood Street in the rear of their store. Then they needed a loading area. Then the next adjacent lot, a residential property, being seriously injured by the zoning change encroachment, begged for special relief. The final result was similar to the effect of one bad apple on an entire barrel.

I further stated, that back around 1936, a man named Delaney bought 141 Washington Street, Wellesley Hills, with the purpose of using it for a small girls' school. He should have known better, - being a lawyer, - but he woke up to find his purpose would require a change in existing zoning restrictions. As a result, the house was vacant for a year or more prior to 1938, became run-down, was an eyesore in the community, and soon was encumbered with some three years of unpaid taxes, and unpaid mortgage obligations.

Starting about 1938 substantial sums were expended, and the property was completely renovated into a residence worthy of the neighborhood.

Since 1938 this residential community, at the intersections of Pine Street and Heckle Street with Washington Street, has become an improved residential area, rather than unimproved. Not only has a substantial sum, for residential purposes, been expended at 141 Washington Street, but three modern residences, above average in value, have been newly erected at the corner of Pine Street, opposite 141 Washington Street, and on the right hand side of Washington Street towards Wellesley Hills Square.

This has all been done in reliance on existing zoning restrictions.





PROBATE COURT FOR SUFFOLK COUNTY

BOSTON, MASSACHUSETTS

JUDGES  
FREDERICK J. DILLON  
JOHN V. MAHONEY  
ROBERT GARDINER WILSON, JR.

Any recent new owner of property at 148 Washington Street bought with his eyes open, having full knowledge of existing zoning, and full knowledge of the desire of owners of neighboring properties that present zoning restrictions be preserved. There is no equity in any claim now made to effect this entering wedge in the existing zoning rules now protecting the investment and comfort of owners of neighboring residential property.

I have no doubt that the Wellesley Human Relations Service may be serving a most useful purpose in Wellesley. But I bear in mind that sponsors of this commendable charity are attempting to center their activities in a location nowhere near their own homes. I also bear in mind that a favorite expedient for the successful promotion of a dog track, or race track, or bottle goods location; is to dress the project up with some highly reputable names; and one way to unload a parcel of property, - especially at a price far in excess of reasonable market value, - is to effect a direct or indirect change in zoning restrictions.

The real purpose of a Board of Appeal in zoning matters is to afford some method of reasonable relief for the owner of distressed property equitably entitled to an exception being made. The reported price obtained for the property at 148 Washington Street would hardly qualify it as "distressed," nor can a brand new owner equitably claim an exception should be made in his case, within a matter of days after his purchase.

However meritorious may be the reported purpose for which the property is to be used, a favorable Vote of the Board on the petition will not only disproportionately increase the value of the particular parcel, - while automatically destroying neighboring market values, - but such action involves two other dangers. Should the activities of the Association for any reason later cease at this location, the building will have lost much of its residential



PROBATE COURT FOR SUFFOLK COUNTY

BOSTON, MASSACHUSETTS

JUDGES:

FREDERICK J. DILLON  
JOHN V. MAHONEY  
ROBERT GARDINER WILSON, JR.

value and the then owner will again seek some type of zoning relief. Meanwhile, owners of residences on the other intersecting corners have been furnished a most logical argument for a similar release of zoning restrictions in their respective cases, - and with far more merit in their claim.

In conclusion, the issue should be kept clear. This is not a question whether the purposes of the Wellesley Human Relations Service are commendable, nor whether the location is a convenient one for their operations. The only actual question before the Board of Appeal is one of property rights. The law creating Boards of Appeal in such cases was intended to provide special relief, in the unusual cases, where an unfortunate owner of property, through no fault of his own, finds himself in a helpless situation which cries out for equitable relief. No such situation here exists, and the petition should be denied.

Very truly yours,

*R. G. Wilson*  
Florence R. Wilson

RGW:IB